

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

*Yolton, et al v. El Paso Tennessee Pipeline Co. and CNH America LLC*: Case No. 02-CV-75164

**NOTICE OF AUTHORIZED CLAIM AMOUNT**  
**(Enrolled Class Member)**

To: Certain hourly retirees of Case Corporation and certain of their eligible surviving spouses

**I. BACKGROUND**

On March 7, 2008, the Court granted Plaintiffs' motion for summary judgment as to liability. The Court's March 7, 2008 order remains subject to appeal by El Paso Tennessee and CNH America, LLC.

On August 19, 2011, the Plaintiffs and El Paso Tennessee entered into a Settlement Agreement of the litigation.

On November 17, 2011, the Court entered a Judgment approving the Settlement Agreement.

The Settlement Agreement provides for a procedure for determining and paying the Authorized Claim Amounts. Authorized Claim Amounts are an agreed upon percentage of the damages incurred by Class Members as a result of El Paso Tennessee's requirement that Class Members pay a Premium Contribution to maintain their health care insurance coverage in the 1990 Group Benefit Plan for the period September 1, 2002 through March 15, 2004 (if you are a Pre-October 3, 1993) Class Member or through October 17, 2007 (if you are a Post-October 3, 1993 Class Member).

On January 3 through January 7, 2012, a notice was sent to all known Class Members informing them of the opportunity to file Claims and informing them that documented Claims had to be filed by March 17, 2012.

During the Claims Period, Class Members or their authorized representatives returned Damage Claim Forms and either agreed to the Authorized Claim Amounts set forth on the Damage Claims Forms or submitted documented claims to Class Counsel.

Class Counsel reviewed all timely Damage Claim Forms and made a preliminary determination of the amount of each Authorized Claim Amount based on the documentation provided or obtained. Class Counsel provided periodic reports to El Paso Tennessee about the Damage Claims. The last such report was submitted to El Paso Tennessee on April 16, 2014. El Paso Tennessee reviewed the reports of Class Counsel. Any objections El Paso Tennessee had with respect to the Authorized Claim Amounts were resolved pursuant to the agreed upon procedure.

On August 12, 2014, following resolution of El Paso Tennessee's objections, the Court approved this Notice and required Class Counsel to mail it to all known Class Members.

## **II. PROPOSED AUTHORIZED CLAIM AMOUNT**

The Authorized Damage Claim Amount for the Class Member identified on the first page of this Notice is set forth on the attached Authorized Claim Form. The Authorized Claim Amount is 70% (75% for Post-October 3, 1993 Class Members) of the amount of Premium Contributions made to remain enrolled in the 1990 Group Benefit Plan after September 1, 2002.

The proposed Authorized Claim Amount also includes the full amount of Excess Premium Contributions that have not been reimbursed by El Paso Tennessee.

Several Enrolled Class Members are deceased but the required probate documentation from their open estates was not timely provided to Class Counsel. The names of those Deceased Class Members are on the attached list. If you believe you already submitted the required probate documentation from an open estate, then contact Class Counsel Roger McClow immediately at the address below. The deadline for receipt of the required probate documentation is September

19, 2014. No payments will be made on behalf of these Class Members if the required probate documentation is not received by the September 19, 2014 deadline.

**III. IF YOU AGREE WITH THE AUTHORIZED CLAIM AMOUNT:**

**If you agree with the Authorized Claim Amount, you do not need to do anything. Your Authorized Claim Amount will be the amount shown on the enclosed Authorized Claim Form.**

**IV. IF YOU OBJECT TO FINAL AUTHORIZED CLAIM AMOUNT**

**If you do not agree with the Authorized Claim Amount, you must file a written objection.** Any such objection must be made in writing and postmarked on or before September 19, 2014. Objections must be sent to the Clerk of the Court, Class Counsel and El Paso at the following addresses:

1. Clerk of the Court  
United States District Court, Eastern District of Michigan  
231 W. Lafayette Blvd.  
Detroit, Michigan 48226
2. Roger J. McClow, Class Counsel  
McKnight, McClow, Canzano, Smith & Radtke, P.C.  
400 Galleria Officentre, Suite 117  
Southfield, Michigan 48034
3. William B. Forrest III, Attorney for El Paso  
Kienbaum Opperwall Hardy & Pelton, PLC  
280 N. Old Woodward Ave., Suite 400  
Birmingham, Michigan 48009

Objections should bear the following heading “*Yolton v. El Paso Tennessee Pipeline Co.*: Case No. 02-CV-75164, Objections to Authorized Claim Amount.” To be valid, any objection must state with specificity the basis for the objection and must be supported by written documentation demonstrating that the Authorized Claim Amount is not accurate.

If objections are received, the Court may schedule a hearing to review and rule on them.

If no objections are received, or if the objections are rejected by the Court, the Court will enter a Claims Order listing the names of Class Members and their Authorized Claim Amounts. If there are objections which are sustained by the Court, the Court will enter a Claims Order with modified Authorized Claim Amounts for Class Members whose objections were sustained.

**V. ADDITIONAL INFORMATION**

Any questions you have about the matters contained in this Notice should **NOT** be directed to the Court, but should be directed in writing to:

Roger J. McClow, Class Counsel  
McKnight, McClow, Canzano, Smith & Radtke, P.C.  
400 Galleria Officentre, Suite 117  
Southfield, MI 48034

It is extremely important that you notify Class Counsel of any change in your name or address.

You may, of course, seek the advice of your own attorney if you so desire. If you retain an attorney, you will be responsible for any costs incurred.

Dated: August 12, 2014

David J. Weaver  
Clerk of the Court, by  
s/Marilyn Orem  
Deputy Clerk

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